

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 90-69-A - ORDER NO. 90-471 ✓
APRIL 27, 1990

IN RE: Proposed Amendments to Regulations)
 Pertaining to Practice and Procedure) ORDER
)

On March 8, 1990, the Public Service Commission of South Carolina (the Commission) held a public hearing on the adoption and promulgation of certain amendments and modifications proposed by Commission's Staff to the Commission's Regulations applicable to practice and procedure. This hearing was held pursuant to S.C. Code Ann., §1-23-110 (Supp. 1989) and §58-3-140(A) (Supp. 1989).

Prior to the hearing, the Notice of Hearing was published in the State Register. The Notice of Hearing indicated the nature of the amendments and invited written comments from interested parties prior to the hearing date at which time the Commission would hear testimony relevant to the issues herein. Appearing at the hearing were representatives from Carolina Power and Light Company, BellSouth Mobility, Duke Power Company, Southern Bell Telephone and Telegraph Company, United Telephone Company, the South Carolina Department of Consumer Affairs, and U. S. Sprint. Testifying at the hearing on behalf of the Commission Staff was Sarena D. Burch.

The Commission Staff proposed to amend certain regulations regarding practice and procedure. The Staff proposed to amend

R.103-821 to eliminate the requirement that Notices of Filing and Hearing be published in the State Register. The publishing of Notices in the State Register has become extremely difficult for the Staff due to the early deadlines set by the State Register. The deadlines of the State Register also can create substantial delays to the filing utilities in that if Notices are not at the State Register by the deadline, the Commission have to wait another month in order to have them printed in the State Register. This creates delays in obtaining rulings, setting hearings and approving certain uncontested filings. There is already adequate notice to the public concerning Commission matters by having notices sent to all affected customers and printed in newspapers of general circulation. A notice was published in the November and December 1989 State Register by the Commission stating that the Commission would no longer be publishing Notices of Filing and Hearing in the State Register. There was no objection made by the utilities, but there were objections by transportation companies; therefore, the Commission decided to continue publishing transportation notices only in the State Register. The Commission finds that this proposal should be approved due to the fact that there is sufficient notice to the public without filing Notices in the State Register.

The Staff also proposed a new regulation R.103-805 requiring regulated utilities to file notices of all filings concerning Federal regulatory matters with the Commission. This proposal was made because, in order to protect the interests of South Carolina

ratepayers, it is important that the Commission is aware of regulatory action on the federal level affecting its jurisdictional utilities. There were many comments filed and presented at the hearing maintaining that the broad nature of the proposed regulation would make compliance by the utilities extremely burdensome. The Commission finds that the proposed regulation should be withdrawn due to the broad nature of the regulation and the difficulty of the utilities in complying with this proposal.

Pursuant to the provisions of S.C. Code Ann., §1-23-120 (Supp. 1989) the regulation promulgated herein will be submitted to the General Assembly of the State of South Carolina for final review and approval. The regulation is attached as Appendix A.

IT IS THEREFORE ORDERED.

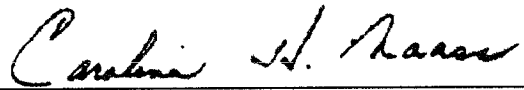
1. That the proposed regulation 103-805 is hereby withdrawn.

2. That the proposed amended regulation 103-821 is hereby approved. It is set forth in Appendix A and will not become effective until ruled upon by the General Assembly.

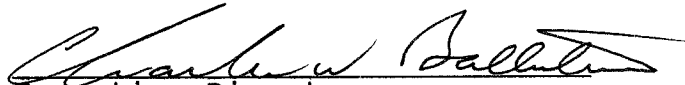
3. That the regulation approved by the Commission shall be submitted to the General Assembly of the State of South Carolina for final review and approval. After the General Assembly has ruled on the regulation the Commission will give notice to all parties.

4. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)

APPENDIX A

103-821 Formal Proceedings

C. Conduct of Formal Proceedings.

(3) After any pleading has been accepted for filing, the Executive Director may:

- (a) Serve the pleadings, as required, in accordance with R.103-841, or within fourteen (14) days, provide the party filing the pleading a Notice of Filing, and, where required by law, the party at its own expense shall publish in newspapers having general circulation in the state, or if applicable, in newspapers having general circulation in the party's service area. The Executive Director shall determine the period of time for publication, which shall not be less than one week or more than four consecutive weeks to be determined by the type of proceeding and hearing date, if one has determined. Except for good cause shown, proof of publication must be filed on or before the return date. The Executive Director, pursuant to other rules of the Commission, may require that the Notice of Filing be mailed to customers and other persons and a certificate of mailing be filed on or before the return date. Proof of publication shall be placed in the formal record.
- (b) Fix a date for hearing, as soon as practicable, and when a date is available on the docket calendar. If the hearing date has not been included in the Notice of Filing, the Executive Director shall prepare a Notice of Hearing, and shall forward by certified mail such Notice of Hearing to all parties not less than 20 days prior to the date of hearing unless a shorter period of time is reasonable and in the public interest. Proof of mailing must be placed in the formal record.